

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CLARA D. DICKSON,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-442-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social,)	
Security Administration)	
)	
Defendant.)	

ORDER

Plaintiff Clara D. Dickson filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her application for supplemental security income benefits under the Social Security Act. Consistent with 28 U.S.C. § 636(b), the case was referred to Magistrate Judge Shon T. Erwin, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings.


The magistrate judge found the Administrative Law Judge (“ALJ”) erred in improperly rejecting the opinion evidence and treatment notes of plaintiff’s mental health counselor in a conclusory fashion. He concluded the ALJ “failed to engage in any meaningful consideration of [the counselor’s] treatment notes or opinions under SSR 06-3p.” Doc. #18, p. 8. He also noted that the ALJ should, on remand, “take care to explain any significantly probative and conflicting evidence he chooses to reject.” *Id.*

The parties, having failed to object to the Report and Recommendation, waived their

right to appellate review of the factual and legal issues it addressed. United States v. OneParcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §636(b)(1)(C). Accordingly, the court **ADOPTS** Magistrate Judge Erwin's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order. This does not suggest or imply any view as to whether the claimant is or is not disabled, or what result should be reached on remand.

IT IS SO ORDERED.

Dated this 22nd day of July, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE